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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,183	04/05/2004	David Morley Clark	C583 0002	2741
720 7590 01/11/2007 OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			EXAMINER AHLUWALIA, NAVNEET K	
			ART UNIT 2166	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/817,183	CLARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Navneet K. Ahluwalia	2166	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,22,24-29 and 39 is/are rejected.
- 7) Claim(s) 3-23 and 30-39 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The application has been examined. Claims 1 – 39 are pending in this office action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 22 and 39 recite "applying the rules of Figure 24A and 24B" this is vague and indefinite. It is not understood how the rules of two figures would be implemented in the method. The rules intended for application should be recited in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 2, 24 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Birrell et al. ('Birrell' herein after) (US 6,029,164).

With respect to claim 1,

Birrell discloses a method for automatically organizing electronic messages in a computer system, the method comprising: receiving an electric message having a plurality of properties (Figure 2 and column 6 lines 5 – 37); storing the electronic message in a data store (Figure 9); automatically identifying a plurality of folders with which the electronic message is to be associated by applying rules to the properties of the stored message (Figure 2); and, automatically generating a plurality of shortcuts to the stored message each of the shortcuts comprising an element directly or indirectly identifying the stored message and an element directly or indirectly identifying one of the plurality of folders (column 6 lines 39 – 64).

With respect to claim 2,

Birrell discloses a method according to claim 1 comprising storing the plurality of shortcuts as records in a database (column 14 lines 27 – 40).

With respect to claim 24,

Birrell discloses a method according to claim 1 comprising identifying a status of the message and automatically creating a shortcut to the message in a folder corresponding to the status of the message (column 9 lines 4 – 26).

With respect to claim 25,

Birrell discloses a method according to claim 24 wherein the status of the message is selected from the group consisting of two or more of: a status that indicates the message is deleted, a status that indicates that the message is active, a status that indicates that the message is a draft, a status that indicates that the message is to be kept, a status that indicates that the message has been received, a status that indicates that the message has been sent, a status that indicates that the message has been tagged by a user, a status that indicates that the message has been flagged by a user for follow up, a status that indicates that the message is unread, and, a status that indicates that the message is waiting to be sent (column 9 lines 4 – 26 and column 11 lines 20 – 38).

With respect to claim 26,

Birrell discloses a method according to claim 24 wherein the computer system maintains two or more of: an active mail folder for messages having a status that indicates the messages are active, a kept mail folder for messages having a status that indicates that the messages are to be kept, a tagged mail folder for messages having a status that indicates that the messages have been tagged by a user, a todo folder for messages having a status that indicates that the messages have been flagged by a user for follow up, and, an unread older for messages having a status that indicates that the messages are unread (column 9 lines 4 – 26 and column 11 lines 20 – 38).

With respect to claim 27,

Birrell discloses a method according to claim 2 comprising identifying a status of the message and automatically creating a shortcut to the message in a folder corresponding to the status of the message (column 9 lines 4 – 26).

With respect to claim 28,

Birrell discloses a method according to claim 26 wherein the status of the message is selected from the group consisting of two or more of: a status that indicates the message is deleted, a status that indicates that the message is active, a status that indicates that the message is a draft, a status that indicates that the message is to be kept, a status that indicates that the message has been received, a status that indicates that the message has been sent, a status that indicates that the message has been tagged by a user, a status that indicates that the message has been flagged by a user for follow up, a status that indicates that the message is unread, and, a status that indicates that the message is waiting to be sent (column 9 lines 4 – 26 and column 11 lines 20 – 38).

With respect to claim 29,

Birrell discloses a method according to claim 24 wherein the computer system maintains two or more of: active mail folder for messages having a status that indicates the messages are active, a kept mail folder for messages having a status that indicates

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that the messages are to be kept, a tagged mail folder for messages having a status that indicates that the messages have been tagged by a user a todo folder for messages having a status that indicates that the messages have been flagged by a user for follow up, and, an unread older for messages having a status that indicates that the messages are unread (column 9 lines 4 – 26 and column 11 lines 20 – 38).

***Allowable Subject Matter***

7. Claims 3 – 23, 30 – 39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and the intervening claims.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Navneet*  
Navneet K. Ahluwalia  
Examiner  
Art Unit 2166

*Mohammad Ali*  
MOHAMMAD ALI  
PRIMARY EXAMINER

Dated: 01/06/2007